



**Order under Section 69
Residential Tenancies Act, 2006**

File Number: LTB-L-016105-26

In the matter of: 19 BOWERY RD
BRANTFORD ON N3V0A9

Between: Yogeshkumar Patel Landlord
Nileshkumar Patel

And

Marcus Stewart Tenant
Tammy Hutchinson

When the capitalized word “Landlord” is used in this order, it refers to all persons or companies identified as a Landlord at the top of the order. When the capitalized word “Tenant” is used in this order, it refers to all persons identified as a Tenant at the top of the order.

Yogeshkumar Patel and Nileshkumar Patel (the 'Landlord') applied for an order to terminate the tenancy and evict Marcus Stewart and Tammy Hutchinson (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on May 4, 2026.

Only the Landlord attended the hearing.

As of 9:47 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. The Landlord served the Tenant with a Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Landlord did not serve the N4 notice at least 14 days before the termination date set out in the notice. The N4 notice is invalid because it was not served within the required timeframe: see ss. 59(1)(b), *Residential Tenancies Act, 2006*.
2. Because the N4 notice is not valid, I do not have jurisdiction on this application to make an order terminating the tenancy or evicting the Tenant. The Landlord elected to proceed with the hearing to seek an order for payment of rent arrears only.

3. The Landlord said the Tenant may have moved out of the rental unit, but did not have direct knowledge about this. The Tenant previously told the Landlord they would vacated by the end of March 2026 and would return the key. The key has not been returned and when the Landlord sent a text message to the Tenant on April 1, 2026 to ask if the Tenant had moved out, the Tenant did not respond. The evidence before me is not sufficient to make a determination that the Tenant vacated the rental unit.
4. As of the hearing date, the Tenant was still in possession of the rental unit.
5. The lawful rent is \$2,665.00. It is due on the 15th day of each month.
6. The Tenant has not made any payments since the application was filed.
7. The rent arrears owing to May 14, 2026 are \$13,325.00.
8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

1. The Tenant shall pay to the Landlord \$13,511.00. This amount includes rent arrears owing up to May 14, 2026 and the cost of filing the application.
2. If the Tenant does not pay the Landlord the full amount owing on or before May 24, 2026, the Tenant will start to owe interest. This will be simple interest calculated from May 25, 2026 at 4.00% annually on the balance outstanding.

May 13, 2026
Date Issued

Mark Melchers
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.